

EAST AYRSHIRE COUNCIL

CENTRAL LOCAL PLANNING COMMITTEE: 9 MARCH 2001

**00/0794/FL: PROPOSED DEMOLITION OF EXISTING DERELICT MILL AND
CONSTRUCTION OF 30 FLATS IN A THREE STOREY DEVELOPMENT
AT CRAIGEND MILL, TOWNHOLM, KILMARNOCK
BY KLIN CONTRACTS LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 It is proposed to erect a three storey block of flats comprising 30 units within a building finished with grey concrete roof tiles, buff and red facing bricks and featuring white upvc windows. 4 one bedroom, 24 two bedroom and 2 three bedroom flats together with 36 car parking spaces would be provided, all accessed from a new access to Townholm. The existing substandard vehicular access at the junction of Townholm and Strawberrybank Road would be closed off other than for pedestrian use. The junction would be redefined featuring a rumble strip to aid road safety.

The proposals allow for the retention of 2.4 metre stone wall along much of the Townholm frontage; to Strawberrybank Road there would be a low railing and along the edge of the river would be retained the existing boundary and mill walls to a height of 450mm. These would then be topped off with a 600mm metal fence. There is proposed communal open space and amenity planting.

Material from the demolition of the Mill will be crushed and used on site; top soils would thereafter be imported. Finished floor levels would, at ground floor level be no less than 3.3 metres above the adjacent bed level of the river.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions on the attached sheet.

3. SUMMARY OF ANALYSIS

3.1 As is indicated at paragraph 5.2, it is considered that the application is in accordance with the development plan. Therefore given the terms of Section 25 and Section 37 (2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise.

3.2 As has been indicated in Paragraphs 6.3 – 6.6 above, there are other material considerations relevant to this application, however it is considered that these are also supportive of the application.

3.3 The development would add considerably to the amenity of the area by removing an unsightly and derelict building and replacing it with well designed accommodation over 3 stories. The currently substandard access to the site would be removed and there would be opened up an attractive aspect to the Kilmarnock Water.

Alan Neish
Head of Planning and Building Control

Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.

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Report by Head of Planning & Building Control

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an application which is to be considered by the Local Planning Committee under the scheme of delegation because it is a larger scheme which accords with the Finalised East Ayrshire Local Plan and is of area significance.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site extends to 0.35 hectares and comprises a two storey derelict brick and stone mill building with associated yard space and other waste land. Bounded by Townholm and Strawberrybank Road to the east and the Kilmarnock Water to the north, west and south, the site sits raised above the river level by between 2 and 3 metres. There are properties in residential use in the near vicinity to the south and west; the Kay Park lies across Strawberrybank Road to the east.

Other than for access, a substantial part stone/part brick wall bounds the site to the east and to the Kilmarnock Water. There are significant existing trees both young and mature along the Townholm boundary; which street lies between 2 and 3 metres above the site levels.

2.2 **Proposed Development:** It is proposed to erect a three storey block of flats comprising 30 units within a building finished with grey concrete roof tiles, buff and red facing bricks and featuring white upvc windows. 4 one bedroom, 24 two bedroom and 2 three bedroom flats together with 36 car parking spaces would be provided, all accessed from a new access to Townholm. The existing substandard vehicular access at the junction of Townholm and Strawberrybank Road would be closed off other than for pedestrian use. The junction would be redefined featuring a rumble strip to aid road safety.

The proposals allow for the retention of 2.4 metre stone wall along much of the Townholm frontage; to Strawberrybank Road there would be a low railing and along the edge of the river would be retained the existing boundary and mill walls to a height of 450mm. These would then be topped off with a 600mm metal fence. There is proposed communal open space and amenity planting.

Material from the demolition of the Mill will be crushed and used on site; top soils would thereafter be imported. Finished floor levels would, at ground floor level be no less than 3.3 metres above the adjacent bed level of the river.

3. CONSULTATIONS & ISSUES RAISED

3.1 Department of Community Services: Environmental Health & Waste Management have commented that demolition works should be carried out in accordance with the relevant Code of Practice, without nuisance to residents in the vicinity and allowing for qualified contractors to remove any potentially hazardous material. They also recommend that the applicants ensure there is no residual site contamination and confirm there is no history of site flooding.

Any potentially noisy site engineering works should be restricted to day shift operations to avoid complaints from nearby housing. Landscaping proposals should fully address all the site area and footpaths should be of sufficient width to enable suitable access to the refuse stores by refuse collectors.

A note attached to any consent can advise the developer of the demolition code of practice. Similarly, conditions can be attached to any consent addressing footpath width, the sufficiency of landscaping, construction/engineering hours and site contamination investigations. The current owners of the mill site have confirmed in writing that they have no record of any flooding in the last 100 years. They say that some 30 years ago, they formed pits in the ground floor which, although “probably about 4 feet above normal water level in the Kilmarnock Water” had never shown any signs of flooding.

3.2 West of Scotland Archaeology Service have not replied to their consultation at the time of writing this report.

Noted.

3.3 Roads and Transportation Division sought car parking amendments, commented on the extent of adoption within the parking area, confirmed that the re-definition of the Townholm/Strawberrybank Road junction would be the responsibility of the developer and would require road construction consent and asked that the flood risk to the site be assessed by commissioning a run of the Babtie model.

Amended plans now incorporate the car parking provisions as required. With regard to the flooding issue, as indicated above, the site owners have confirmed no flooding over a period of at least 100 years. In addition it is proposed that a condition be attached to any consent requiring that before any development takes place on site, there shall have been submitted to and agreed by the Planning Authority a full, flood assessment. That assessment must confirm that there will be no adverse consequences arising from the development outwith the site and that the proposal also takes appropriate measures to safeguard the site itself from flooding.

3.4 Scottish Environment Protection Agency have no objections to the proposal subject to foul drainage being connected to the public sewer. Surface water should be treated in accordance with the principles of the Sustainable Urban Drainage Systems (SUDS) Design Manual, March 2000; and construction work should proceed in accordance with their guidelines on “Works in, near or liable to affect watercourses” and “Working at Construction and Demolition Sites”, PPG’s 5 and 6 respectively. The developer should also recycle, reuse or remove to a licensed site any waste generated as a result of the development.

The applicant has indicated that material from the existing buildings will be crushed and spread over the site. A note can be attached to any planning consent advising of the need to comply with SEPA’s guidelines PPG5 and 6 and a further note can also advise of the comments regarding SUDS and foul drainage.

3.5 The Coal Authority, Scottish Power and Transco have presented no objections to the development proceeding.

Noted.

3.6 West of Scotland Water note that there is a public sewerage system to which connections may be made and that the developer should investigate the relative levels and gradients in that regard. Use should be made of a Sustainable Urban Drainage System, separate from foul drainage. The site can be serviced with a water supply.

A note can be attached to any consent advising the developer to make early contact with West of Scotland Water regarding these matters.

4. REPRESENTATIONS

4.1 There are no representations in respect of this application, although the applicant’s agent has submitted a letter explaining that conversion of the Mill rather than new build, would be impossible because of the excessive costs arising from its construction and high ceilings, because of the difficulty in providing appropriate open space and because of the poor condition of the building.

5. ASSESSMENT AGAINST THE DEVELOPMENT PLAN

5.1 Sections 25 & 73(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the development plan comprises the Adopted Ayrshire Joint Structure Plan (1999) and the Adopted Kilmarnock Local Plan (1985). The Adopted Local Plan was prepared within the context of the then emerging Strathclyde Structure Plan.

5.2 Notwithstanding the age of the Adopted Local Plan the proposal would fall to be considered against Policies 4.1.5 & 4.2.3. The former encourages new housing development, outwith defined sites, where the site is an infill site that is vacant or degraded and where the use would not adversely affect or be affected by adjacent uses. The latter policy encourages appropriate industrial uses into vacant industrial buildings.

Policy 4.2.3 expresses encouragement for re-use for industrial purposes, not outright opposition to the loss of the industrial building. The proposal is not therefore contrary to 4.2.3. It is considered that the proposal complies with Policy 4.1.5 in that, it addresses derelict property without detriment to adjacent uses.

5.3 There is no conflict between the proposed development and the terms of the Adopted Ayrshire Joint Structure Plan.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The other principle material considerations relevant to the determination of this application are the East Ayrshire Local Plan, (Finalised Version 1999) and the susceptibility or otherwise, of the site to flooding.

6.2 The Adopted Local Plan is considerably out of date and therefore it is considered appropriate that greater weight should be attached to more recent expressions of policy. The Council has agreed that the East Ayrshire Local Plan Finalised Version (EALP) should be considered a prime material consideration.

6.3 Policy IND8 of the EALP states that;

“Other than those sites specifically safeguarded for industrial use under Policy IND4 above proposals for alternative uses of land or premises currently or formerly used for industrial purposes shall be considered acceptable subject to the following criteria:-

- 1) The proposed use not being detrimental to surrounding established uses; and
- 2) The proposal meeting the requirements of all other relevant Local Plan policies.”

The proposal would be visually associated with the existing housing along Dean Lane and concerns a site unlikely now to fit the needs of modern industrial processes. The proposal is considered compliant with Policies IND4 and RES4.

6.4 Policy RES7 would support the retention and conversion of the Mill to residential use.

The applicants however, have submitted, and it is accepted, that retention and conversion of the existing building is not practical.

6.5 Policy RES4 encourages sympathetic residential development of gap, infill or other development sites not specifically safeguarded or identified for particular development purposes on the Local Plan Maps, and is applicable to this proposal.

It is considered that the proposed flats comply with the requirements of the 4 criteria listed under RES4; specifically there will be no adverse impact on adjacent uses or environments, there are no adverse transport or infrastructure implications, the development form is compatible with those in the vicinity and in design terms the flats offer a solution sympathetic to its surroundings in terms of materials and form.

6.6 With regard to assessing the susceptibility of the site to flooding from the Kilmarnock Water, the applicants have submitted a statement from the current owner confirming that there are no records of such flooding over 100 years. In addition it is proposed that a condition be attached to any consent requiring that before any development takes place on site, there shall have been submitted to and agreed by the Planning Authority a full, flood assessment. That assessment must confirm that there will be no adverse consequences arising from the development outwith the site and that the proposal also takes appropriate measures to safeguard the site itself from flooding.

7. FINANCIAL & LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in the determination of this application.

8. CONCLUSIONS

8.1 As is indicated at paragraph 5.2, it is considered that the application is in accordance with the development plan. Therefore given the terms of Section 25 and Section 37 (2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise.

8.2 As has been indicated in Paragraphs 6.3 – 6.6 above, there are other material considerations relevant to this application, however it is considered that these are also supportive of the application.

8.3 The development would add considerably to the amenity of the area by removing an unsightly and derelict building and replacing it with well designed accommodation over 3 stories. The currently substandard access to the site would be removed and there would be opened up an attractive aspect to the Kilmarnock Water.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions on the attached sheet.

Alan Neish
Head of Planning & Building Control

28 February 2001 (DVM/MS)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application forms and plans.
2. Statutory Notices/Certificates.
3. Letter of Representation.
4. East Ayrshire Council Local Plan, Finalised Version 1999.
5. Adopted Kilmarnock Local Plan.
6. Adopted Ayrshire Joint Structure Plan.

Anyone wishing to inspect the above papers should please contact Pamela Clifford on 01563 576772.

Implementation Officer: Dave Morris

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

00/0794/FL

Site of Proposal	Craigend Mill Townholm, KILMARNOCK
Nature of Proposal	Demolition of Existing Derelict Mill and Construction of 30 Flats in a Three Storey Development
Name & Address of Applicant	KLIN Contracts Ltd 27 John Finnie Street KILMARNOCK KA1 1BL
Name & Address of Agent	Connell Associates 65 Brisbane Road LARGS KA30 6NW

DPO's Reference DVM/MS

The above FULL application should be approved subject to the following conditions:-

1. The proposed development shall be carried out in accordance with the application form and plans submitted on 28 November 2000 as revised by the amended "site plan" (101/02 Rev B) received by the Planning Authority on 21 February 2001 and in accordance with the "east and west facing elevations" plan received on 21 February 2001.

REASON To ensure that the development is carried out in accordance with the approved details.

2. A landscaping scheme including the treatment of the boundary of the site and all open space and amenity landscaping areas shall be submitted to and approved by the Planning Authority prior to commencement of any development, and shall be implemented not later than the next appropriate planting season after the development has been carried out. The scheme shall include details of the proposed bin stores and the provisions to be made for the maintenance of soft or hard landscaped areas, and shall be maintained thereafter in accordance with these details.

REASON To ensure that public open space areas are laid out in a proper manner in the interests of residential amenity.

3. The details to be submitted further to Condition 2 above shall allow for the retention of as many of the existing trees as is possible, and shall additionally confirm landscaping proposals for the entirety of the site including the land within the red line application boundary at the north of the site.

REASON To ensure that public open space areas are laid out in a proper manner in the interests of residential amenity.

4. No demolition, site clearance or building operations shall be commenced until chestnut pale fencing of a height not less than 1.2 metres has been erected around the trees agreed as being retained further to Condition 3 above. The fencing shall enclose either:

(a) the area described by the limit of the spread of the branches of the tree;

or

(b) a radius of 5 metres from the trunk of the tree, whichever is the greater.

Such fencing shall be maintained during the course of development, and no storage, site structure, parking or any other operation shall be permitted within the area thereby enclosed.

REASON To ensure the retention of the maximum number of trees on the site and their protection from damage in the interests of visual amenity.

5. The details to be submitted further to Condition 2 above shall include substantial landscaping in the amenity of the 4 bin stores.

REASON In order to screen the bin stores in the interests of visual amenity.

6. No materials other than top soil shall be brought into the site for the purposes of infilling or upraising ground levels without the prior written consent of the Planning Authority.

REASON In order to control the development of the site and the materials used in any making up of ground levels.

7. The details to be submitted further to Condition 2 above shall confirm the retention, infill and repair where necessary of the existing boundary walls as shown on the site plan as proposed.

REASON To ensure that the details of the proposed boundary features are agreed prior to the commencement of development.

8. Notwithstanding the plans hereby approved details/samples of the external materials to be used in the construction of the flats shall be submitted to and approved by the Planning Authority prior to the commencement of development.

REASON In the interest of visual amenity.

9. No demolition or construction work, site clearance or preparation works shall take place before 07.00 hours and after 17.00 hours on Mondays to Saturdays nor at any time on Sundays.

REASON In the interests of residential amenity.

10. Notwithstanding the submitted details, and prior to the commencement of development on site, there shall be submitted to and approved by the Planning Authority revised details confirming the following:-

a) A surface treatment to the footpath adjacent to the Kilmarnock Water in the north of the site being different from that of the footpath proposed between the flats and the car park. (Only the latter footpath will be considered for adoption).

b) The widening of the footpaths, immediately adjacent and parallel to parking bays numbers 5, 6 and 13, sufficient to allow passage of wheely bins.

c) The design and materials of the proposed rumble strip adjacent to Strawberrybank Road.

REASON In the interest of road safety and to delineate those areas to be considered for adoption purposes by the Roads Division from those not to be so considered.

11. The applicant shall investigate the extent to which the long term usage of the site has resulted in residual site contamination and prior to the commencement of development, confirm what remedial measures he intends to pursue in that regard, including if necessary the removal from site of any hazardous material by a suitably qualified contractor.

REASON In the interests of residential amenity and public safety.

12. The development hereby approved shall be undertaken without detriment to neighbouring residential properties by virtue of noise, dust or general disturbance.

REASON In the interests of residential amenity and to prevent such established amenity being adversely affected.

Note to Applicant

1. The developer should ensure that all demolition work is carried out in accordance with the relevant codes of practice. Attention is drawn to PPG5 and PPG6 produced by the Scottish Environment Protection Agency and entitled “Works in, near or liable to effect watercourses” and “Working at Construction and Demolition Sites”.
2. The developer should make early contact with the Scottish Environment Protection Agency and West of Scotland Water to confirm their requirement to utilise a Sustainable Urban Drainage System with regard to surface water and a separate drainage system.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**

AGENDA